IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.7712 of 2007

Maharashtra State Road
Transport Corporation Petitioners

Vs.

Shri Mahadeo Bhimrao Nimbalkar Respondent

Mr.C.M.Lokesh i/b. M/s.G.S.Hegde & Associates for petitioners.

CORAM: B.H.MARLAPALLE, J.

December 5, 2007.

P.C.

. The interlocutory order passed by the Labour Court refusing reinstatement while rejecting an application at Exhibit U-2 in Complaint (ULP) No.84 of 2003 came to be challenged in Revision (ULP) No.60 of 2003. The learned Member of the Industrial Court was pleased to allow the revision partly as per his judgment and order dated 24/6/2004. The interlocutory order passed by the Labour Court came to be quashed and set aside and the Labour Court was directed to decide the main complaint on merits and in the mean while the parties were directed to maintain status quo. This order would mean that if the complainant was in service as on 24/6/2004, he

would remain in service and in case he was already removed or dismissed from service as on 24/6/2004, he would not be reinstated. The learned Member of the Industrial Court further directed to decide the main complaint on merits.

. Mr.Lokesh, the learned counsel holding of Mr.Hegde states on the basis of the written instructions received from the Divisional Controller, MSRTC, Solapur that Complaint (ULP) No.84 of 2003 has been withdrawn as per the order passed by the Labour Court on 5/10/2007 and subsequently the complainant, - Shri Nimbalkar has been dismissed from service of the Corporation with effect from 6/10/2007. If that be the case, the complainant may amend the complaint or apply for restoration of the complaint, if he changes his mind. However, as of now nothing survives in this petition and the same is hereby disposed as infructuous.

(B.H.MARL